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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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NORA M. TOCUPS
P.O BOX 698
140 PINECREST AVE
DECATUR, GA 30030

EXAMINER

NGUYEN, DUC MINH

ART UNIT PAPER NUMBER

2643

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/475,531

Applicant(s)

CONLEY, W. DAVID

Examiner

Duc Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 23-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Nolting et al (6,351,453).

Consider claim 23. Nolting teaches a method for calculating charge for a telephone call, comprising monitoring a telephone call placed to a called telephone number to determine call parameters (col. 30, ln. 10-39); determining whether the telephone call originated from a telephone having an originating telephone number that corresponds to an entry in a database (col. 30, ln. 10-39); determining a set activation fee applies to the telephone call; calculating the charge for the telephone call by using the call parameters to calculate a first portion of the

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charger (col. 30, ln. 10-39); and adding the set activation fee as a second portion of the charge by a network element, so that the set activation fee is independent of the first portion of the charge (since the LEC receives 20 cents or 25 cents for every call from a coin phone to a prepaid calling card number and the cost of the call is charged to the prepaid account. Therefore, the CDR inherently contains a portion for the duration of the call and another portion to indicate that the LEC would receive 20-25 cents).

Consider claim 24. Nolting further teaches the limitations of claim 24 in (col. 7, ln. 10-21. It is noted that Call Detail Record is an accounting record produced by Switches to track Call Type, Time, Duration, Facilities used, Originator, Destination, etc. CDRs are used for customer billing, rate determination, network monitoring, and facility capacity planning).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-11, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nolting et al (6,351,453) in view of Lesley (6,188,752).

Consider claims 1-2, 7. Nolting teaches a method for charging a activation fee for a telephone call direct to a called telephone number comprising receiving the called telephone number and billing information from a set activation fee payphone (col. 30, ln. 10-39); inherently identifying the telephone call as having the originating telephone number associated with the set

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activation fee telephone (col. 30, ln. 10-39); and charging the set activation fee for the telephone call (col. 30, ln. 10-39).

Nolting does not clearly teach determining if the billing information is valid; if the billing information is valid, then placing a telephone call to the telephone number received from the set activation fee payphone.

Lesley teaches determining if the billing information is valid; if the billing information is valid, then placing a telephone call to the telephone number received from the set activation fee payphone (col. 2, ln. 6-29; col. 6, ln. 31-42; col. 8, ln. 1-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Lesley into the teachings of Nolting, so that the telephone owner can earn some profits and recoup losses from providing telephone service to telephone user.

Consider claims 3, 5. Nolting further teaches determining whether the originating number corresponds to an entry in a billing database (col. 30, ln. 10-39).

Consider claims 4, 6. Lesley further teaches the use of an SCP database (fig. 1, col. 9, ln. 45-63).

Consider claims 8-10. Nolting teaches a method for charging a fee for a telephone call direct to a called telephone number, comprising receiving the called telephone number and billing information (col. 30, ln. 10-39); and determining whether the telephone number corresponding to the pay telephone is present in the second database (col. 30, ln. 10-39). Nolting further inherently teaches in the event the telephone number corresponding to the pay phone is

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present in the second data base, charging a set activation fee for the telephone call (col. 30, ln. 10-39).

Nolting does not clearly teach in the event that the billing information is present in the first database, placing the telephone call; otherwise, informing the caller that the telephone call may not be placed.

Lesley teaches in the event that the billing information is present in the first database (col. 8, ln. 1-46), placing the telephone call (col. 6, ln. 31-42; col. 8, ln. 1-46); otherwise, inherently informing the caller that the telephone call may not be placed (col. 8, ln. 26-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Lesley into the teachings of Nolting in order to prevent unauthorized user to use the credit or calling card.

Consider claim 11. Nolting further teaches the billing information comprises the group of credit card (col. 30, ln. 10-28) and Lesley teaches the billing information comprises a telephone account number (col. 6, ln. 65 to col. 7, ln. 25; col. 8, ln. 47-54).

Consider claim 25. Nolting does not clearly teach determining if the billing information is valid; if the billing information is valid, then placing a telephone call to the telephone number received from the set activation fee payphone.

Lesley teaches prior to placing the telephone call, determining if the billing information is valid; if the billing information is valid, then placing a telephone call to the telephone number received from the set activation fee payphone (col. 2, ln. 6-29; col. 6, ln. 31-42; col. 8, ln. 1-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Lesley into the teachings of Nolting, so that the

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telephone owner can earn some profits and recoup losses from providing telephone service to telephone user.

5. Claims 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nolting et al (6,351,453) in view of Lesley (6,188,752) and Casner (4,517,411).

Consider claims 12, 15-17. Nolting teaches a method for charging a activation fee for a telephone call direct to a called telephone number comprising receiving, at a network element, the called telephone number and billing information from a set activation fee payphone (col. 30, ln. 10-39); inherently identifying the telephone call as having the originating telephone number associated with the set activation fee telephone (col. 30, ln. 10-39); and charging the set activation fee for the telephone call (col. 30, ln. 10-39).

Nolting does not clearly teach determining if the billing information is valid; if the billing information is valid, then placing a telephone call to the telephone number received from the set activation fee payphone.

Lesley teaches determining if the billing information is valid; if the billing information is valid, then placing a telephone call to the telephone number received from the set activation fee payphone (col. 2, ln. 6-29; col. 8, ln. 1-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Lesley into the teachings of Nolting, so that the telephone owner can earn some profits and recoup losses from providing telephone service to telephone user.

Nolting in view of Lesley does not teach generating a false dial tone; receiving the called telephone number and billing information; maintaining the false dial tone; if the billing information is valid, then releasing the false dial tone; seizing a true dial tone.

Casner teaches a method for charging a fee for a telephone call direct to a called telephone number, comprising generating a false dial tone (dial tone generated by the PBX or PABX; col. 3, ln. 38-49); receiving the called telephone number and billing information (credit card, called telephone number, station number and/or room number; col. 3, ln. 38 to col. 4, ln. 17); maintaining the false dial tone (col. 3, ln. 38 to col. 4, ln. 26); if the billing information is valid (col. 4, ln. 18-26), then releasing the false dial tone; seizing a true dial tone (dial tone provided by the DDD network; col. 4, ln. 18-22); and placing the telephone call to the called telephone number (col. 3, ln. 38 to col. 4, ln. 26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Casner into the teachings of Nolting in view of Lesley in order to effectively verify the identity of the originating station and billing information.

Consider claims 13-14. Lesley inherently teaches the approval signal and denial signal (col. 7, ln. 14-25; col. 8, ln. 1-45).

6. Claims 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Golden (4,897,870) in view of Nolting et al (6,351,453).

Consider claim 18. Golden teaches a method for charging a fee for a telephone call direct to a called telephone number, comprising generating a false dial tone (dial tone generated by the payphone; col. 5, ln. 32-49); receiving the called telephone number and billing information (col.

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5, ln. 32 to col. 6, ln. 3); maintaining the false dial tone (col. 6, ln. 4 to col. 7, ln. 24); if the billing information is valid (col. 6, ln. 4 to col. 7, ln. 24), then inherently releasing the false dial tone; inherently seizing a true dial tone (dial tone provided by the normal switched telephone network; col. 6, ln. 4 to col. 7, ln. 24); and placing the telephone call to the called telephone number (col. 6, ln. 4 to col. 7, ln. 24).

Golden does not clearly teach charging a set activation fee for the telephone call directed to the called telephone number.

Nolting teaches a method for charging a activation fee for a telephone call direct to a called telephone number comprising receiving, at a network element, the called telephone number and billing information from a set activation fee payphone (col. 30, ln. 10-39); inherently identifying the telephone call as having the originating telephone number associated with the set activation fee telephone (col. 30, ln. 10-39); and charging the set activation fee for the telephone call (col. 30, ln. 10-39). It is further noted that as long as the caller uses a card or account (billing information) to pay for the call, the owner of the payphone would receive the set activation fee of 25 cents to 35 cents. It is also noted that the called telephone number is the destination telephone number. Since making a calling card call includes dialing an access code (calling card service, prepaid calling card numbers, credit card verification system, and the like) + a destination number or called telephone number. Nolting detects the dialing of the access code to determine whether the call is a calling card call, regardless of the destination number.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Nolting into the teachings of Golden in order to

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effectively verify the billing information, so that the telephone owner can earn some profits and recoup losses from providing telephone service to telephone user.

Consider claim 19. Nolting further teaches using the call parameters and activation fee to compute a charge for the telephone call (col. 30, ln. 10-28).

Consider claim 20. Nolting further teaches determining the called telephone number and the billing information originated from a telephone having an originating telephone number (col. 30, ln. 10-39); and determining the originating telephone number is associated with a set activation fee pay phone (col. 30, ln. 10-39).

Consider claims 21-22. Nolting further teaches determining whether the originating number corresponds to an entry in a billing database (col. 30, ln. 10-39).

Response to Arguments

7. Applicant's arguments filed 10/9/03 have been fully considered but they are not persuasive.

Regarding the Nolting reference, applicant states "Nolting fails to teach or suggest at least two of claim 1's actions: (1) receipt billing information from a set activation fee pay telephone; and (2) charging the set activation fee for the telephone call." In contrast to applicant's assertions, (1) Nolting clearly teaches calls made to a prepaid calling card numbers (e.g., 1-800 number), for example from a coin phone. It is well-known to one of ordinary skill in the art that at the coin phone, a caller dials the 1-800 number and then the prepaid calling card number in order to make a prepaid calling card call. The prepaid calling card number represents the billing information. Lesley also teaches the use of prepaid account to make calls from a

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prepaid telecommunications terminal (e.g., a public telephone) (col. 2, ln. 6-29). Therefore, billing information in Nolting and Lesley are the same (e.g., prepaid calling card number or prepaid account number). (2) Nolting further teaches there is an arrangement where the LEC is supposed to receive 20 cents or 25 cents for every call from a coin phone to a prepaid calling card number. The LEC must determine that the call is from a coin phone based on the coin phone's ANI number, so that the LEC can charge 20 cents or 25 cents for every call from a coin phone to a prepaid calling card number. The 20 cents or 25 cents is the set activation fee for using a prepaid calling card with a payphone. Applicant further states that Nolting does not teach charging a set activation fee to the caller at the termination of the telephone call regardless of the telephone number." In contrast to applicant's assertions, in switching, terminating describes a subscriber or central office switch to which an incoming call is directed. For example, the subscriber who answers a call. Of course, if the called party answer the call, the prepaid account of the calling party will be charged for the connection time or the length of the call plus the 20 cents or 25 cents for using a pay phone to make prepaid calling card call.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

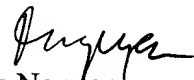
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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is 703-308-7527. The examiner can normally be reached on 6:00AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Duc Nguyen
Primary Examiner
Art Unit 2643

5/18/04